

## REMARKS

In response to the Restriction Requirement mailed August 18, 2004, please consider the following. Claims 1-77 are pending in the application and subject to restriction/election. In this amendment and response, claims 39-77 have been cancelled without prejudice to pursuit in a divisional application, and claims 78-97 have been added to provide additional claims for examination.

The restriction requirement asserts there are three groups of inventions as follows:

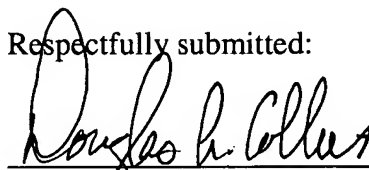
- I. Claims 1-38, drawn to a spine stabilization system, classified in class 606, subclass 61.
- II. Claims 39-60, drawn to a method, classified in class 606, subclass 61
- III. Claims 61-77, drawn to a spine stabilization system, classified in class 606, subclass 72.

The invention of group I, including claims 1-38 is hereby elected without traverse.

The Restriction Requirement also asserts that the application includes claims directed to a number of species, referred to as species I through XXI and corresponding to Figures 1-6 and 8-22, respectively. Applicants hereby elect species I including Figure 1. Of the elected claims 1-38, claims 1-9, 12-14, 33, 35, 37, and 38 are believed readable on the elected species. In addition, new claims 78- 97 are readable on the elected group and species.

Examination of the current application in view of this response to the election/restriction requirement is respectfully requested.

Respectfully submitted:



Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,  
McNett & Henry, LLP

Bank One Center Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456